



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** PB2018-12  
**Date:** October 4<sup>th</sup>, 2018  
**Recommendation:** None at this time

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**PLANNING STAFF REPORT**

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**Site:** 290 Revolution Drive

**Applicant Name:** WP East Acquisitions, L.L.C.

**Applicant Address:** 91 Hartwell, Ave, Lexington, MA 02421

**Property Owner Name:** CDNV Assembly, LLC (c/o John Baxter & Ed Nardi at Cresset Development) & Somerville Office Associates Limited Partnership (c/o Michael M. Ades)

**Property Owner Address:** CDNV: 120 Water Street, Boston, MA, 02109 & Somerville Office Associates Limited Partnership: 810 Seventh Ave, 10th Fl., New York City, NY 10019

**Agent Name:** Nutter McClennen & Fish, LLP

**Agent Address:** 155 Seaport Blvd, Boston, MA 02210

**Alderman:** Matt McLaughlin

**Legal Notice:** Applicant, WP East Acquisitions, and Owners, CDNV Assembly LLC & Somerville Office Associates Limited Partnership, are seeking a Special Permit with Site Plan Review-A (SPSR-A) final level approval of 290 Revolution Drive ("Alta XMBLY" formerly called "Block 23") of the Planned Unit Development Preliminary Master Plan (PUD-PMP PB#2018-07) approved by the Planning Board on June 7, 2018. The proposal is to develop a 84'-11" high 8-story building containing 324 multi-family units and 5 townhouse units with approximately 199 parking spaces on internal structured parking levels supported by ground floor retail space under Somerville Zoning Ordinance (SZO) Article §6.4.9 and §5.2. The uses include those approved in the PUD-PMP and is subject to inclusionary housing requirements. Assembly Square Mixed Use District (ASMD). PUD-A Overlay District. Ward 1.

**Dates of Public Hearing:** October 4<sup>th</sup>, 2018

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**I. BACKGROUND & PERMITTING PROCESS**

On June 7, 2018, the Planning Board granted Planned Unit Development-A-Preliminary Master Plan (PUD-PMP) approval, subject to certain conditions, for the subject property.



***A. Review Requirements under the Somerville Zoning Ordinance***

This application is for a Special Permit with Site Plan Review–A (SPSR-A) for the development of parcels Lots 88-A-1 and 99-A-15. As set forth in §16.8 of the Somerville Zoning Ordinance (SZO), “Application for PUD is a type of special permit with site plan review [SPSR], requiring two (2) stages of review. A PUD Applicant shall first file a preliminary master plan demonstrating a comprehensive land use plan for the entire PUD tract. Upon approval of this plan, the Applicant may then submit special permit with site plan review applications for definitive plans of each portion or phase of development of the PUD tract.”

The Applicant is seeking SPSR-A final level approval of a planned unit development. The PUD-PMP conditions and findings provide the basis for the review of this type of application and a subset of the requirements are required findings for each SPSR-A. The fulfillment of the required findings is indicated as such in the attached Appendixes.

***B. Organization of Report***

The present report includes the following sections:

- Description of the Property;
- Description of the Proposal;
- City Department Comments;
- Public Comments;
- Staff Findings for Special Permit with Site Plan Review–A; and
- Staff Recommendation for Board vote, including recommended conditions of SPSR-A approval.

**II. DESCRIPTION OF PROPERTY*****A. Site***

The Project will be constructed on a parcel of approximately 71,935 square feet of land in the Assembly Square Mixed-Use District of Somerville, Massachusetts fronting on Grand Union Boulevard and Revolution Drive to the southeast, proposed Road K to the west and proposed Road L to the north. The site is currently used as a surface parking lot.

***B. Surrounding Area***

The master plan is a 9.38-acre lot bounded by Foley Street, Middlesex Avenue, Revolution Drive and Grand Union Boulevard in the heart of Assembly Row. The adjacent parcels to the north (across Foley Street) and south (across Revolution Drive) support existing retail uses and surface parking. The adjacent parcels to the north and east (across Grand Union Boulevard) are part of the Assembly Row mixed-use development. The Site is located within walking distance from the Massachusetts Bay Transportation Authority’s (MBTA) Orange Line Assembly rail station and multiple bus stops for the MBTA’s number 90 and 92 bus lines. The existing site contains an existing four-level 162,000 square foot (“SF”) office building, approximately 800 parking spaces within an asphalt paved surface parking lot, and a gravel lot covering land where a demolished building once stood.

On July 25, 2016 Somerville Office Associates applied for a minor subdivision to reconfigure the parcels at 5-7 Middlesex Avenue and Grand Union Boulevard to create two parcels called Block 9 and New Parcel 2 (Case#: PB 2016-12). The subdivision did not create zoning violations and enabled Block 9 of the Assembly Row Master Plan to be developed with a more functional parcel shape. The applicants at Assembly Row will be returning to the Board at a future date to adjust the plan for Block 9 to match the new parcel shape. The subdivision also allowed for future development of the New Parcel 2. This parcel is part of this application that requires approval of a Preliminary Master Plan under the Planned Unit Development-A zoning.

The Planned Unit Development Preliminary Master Plan (PUD-PMP) for the adjacent Assembly Row, was approved in 2006 and amended in 2010 and 2014, to redevelop approximately 56.2 acres with a new transit-oriented mixed-use development consisting of approximately 1,843 residential units, 2.8 million square feet of commercial uses permitted under the SZO including, but not limited to office, research & development, laboratory, medical office, manufacturing, etc., 585,000 SF of retail space (including restaurants and cinema), a health club, and an up to 170-room hotel. The Project also includes the continued use and occupancy of the retail uses at the existing building known as the Assembly Square Marketplace.

### **III. DESCRIPTION OF PROPOSAL**

#### ***A. Overall***

The Project consists of an 8-story building of approximately 335,557 gross square feet (GSF) to be residential, and ground floor retail/restaurant uses (425,758 GSF including the parking garage). The primary program for Block 23 of the PUD-PMP approval, now referred to as Alta XMBLY, is intended for multi-family residential use. Alta XMBLY accommodates 329 residential units (324 multi-family units and five townhomes), 20% of which will be inclusionary housing and in compliance with the Inclusionary Housing Implementation Plan requirements. The five levels of residential use (high-rise wood construction) sit above a two-story concrete parking podium that supports retail, active uses, residential town homes, and parking at the ground level, in addition to parking and back-of-house functions at Level 2. This building is consistent with the "Block Building" typology per the proposed Somerville Zoning Ordinance.

Two lobbies support the activation of the ground level; the main lobby is located to serve as a gateway opportunity at the corner of Grand Union Boulevard and Revolution Drive, while the secondary lobby is located at the corner of "Road K" and "Road L". A 2,250 SF retail/active space will anchor the corner of Grand Union Boulevard and Road L and an approximately 6,550 SF retail space is provided on Active-Use at Road K and Revolution Drive. Further activation along Road K (facing the central open space) is provided through the positioning of five residential town house units with direct access to the sidewalk. The primary parking and loading entrances will be accessed from Road L and includes 199 structured parking spaces that are designated for residential use but will be unbundled (leased separately) from the lease agreements of the residential units. The retail/restaurant parking will be accommodated in the proposed on-street spaces within Road K and Road L and, in the short term, within the existing surface parking lots of the XMBLY master plan area.

#### ***B. Site Design and Access***

The Project Site has convenient public transit access, including; one (1) MBTA station within a quarter mile (0.25) mile, the Orange Line station at Assembly Square, and three (3) bus routes with stops near the site along Middlesex Avenue and Mystic Avenue which provides opportunities to minimize vehicle trips and encourage alternative modes of travel.

The project's design strategy focuses on creating pedestrian-oriented sidewalks and streets surrounding the site. Existing sidewalks will be expanded and improved with new street trees (some in raised planters), benches, street lights and bicycle racks, dramatically improving the pedestrian experience, while maintaining existing circulation patterns.

The newly proposed Road K and forms the beginning of the larger street that runs through the district paralleling Grand Union Boulevard and Assembly Row. It also provides the front doors and physical addresses for the 5 townhomes as well as the retail spaces. As shown in the PUD-PMP approval, this thoroughfare will be built to City standards and be coordinated with the surrounding street sections of Assembly Row but with part of the roadway being a festival street and having a flush surface with the flanking sidewalks. The design shown in this application is different than the street sections shown in the approved PUD-PMP, however, the design details have been coordinated with Planning, Transportation & Infrastructure, and Engineering. The PUD-PMP will be amended at a later date to incorporate these improvements.

### ***C. Building Shape and Placement***

The block is rectangular in shape and the development occupies the entire buildable area forming the street walls of the surrounding streets (Revolution Drive, Grand Union Boulevard, Road K, and Road L). The building rises 8 stories, to a height of approximately 85 feet from grade to the top of the highest occupiable floor.

### ***D. Uses***

This residential building includes 329 dwelling units (324 apartment-style and 5 townhouses), approximately 8,300 sf of ground floor retail, and two floors of above-grade architecturally-screened parking for 197 automobiles and 112 bicycles.

### ***E. Linkage***

The commercial portions of the development will trigger the requirement for payment of Affordable Housing Linkage Fees and the Jobs Creation and Retention Linkage Fee. Inflow & Infiltration payment will also be required.

### ***F. Inclusionary Housing***

Consistent with the City of Somerville Inclusionary Housing Policy, the Project will provide 20 percent of the total residential units as affordable. Of the 329 total units, one of the townhomes and 65 apartment units will be designated permanently affordable. Affordable housing units will be intermixed with the market rate units, dispersed throughout the building, and will be comparable to market-rate units in every respect, including location, quality and character, room size, and external appearance.

#### **Anticipated Overall Program:**

|                          |                               |
|--------------------------|-------------------------------|
| Studio (527 SF)          | 60 units                      |
| Jr One Bedroom (628 SF)  | 44                            |
| One Bedroom (732 SF)     | 143                           |
| Two Bedroom (1,093 SF)   | 65                            |
| Three Bedroom (1,440 SF) | 12                            |
| Townhomes (1,360 SF)     | 5                             |
| <b>TOTAL</b>             | <b>329 units (20% = 65.8)</b> |

The numbers and sizes of the affordable units within the overall program will be coordinated with the Director of Housing and formalized in an Affordable Housing Implementation Plan with additional details on affordability and bedroom distribution prior to application for Foundation or Building Permit.

### ***G. Landscaping and Open Space***

As the first SPSR-A of the approved XMBLY (5 Middlesex Avenue) PUD-PMP, this proposal has limited on-site open space as the building will be directly across Road L from an open space of almost one acre.

### ***H. Parking and On-site Circulation***

The project site also has excellent vehicular access to and from I-93 and Routes 28 and 38. On-site structured vehicle parking, approximately 197 spaces, will have an entry from Road L – the northern side of the block – along with the loading dock and short-term parking for access to the leasing center. There will also be on-street parallel parking on many of the surrounding streets.

### ***I. Form and Design of the Building***

The design guidelines approved with the Preliminary Master Plan (PB#2018-07 approved June 7, 2018) lay out the form and key elements of the project. The guidelines have been met with this SPSR-A application and the Applicant pro-actively worked with Staff to provide more information and revise drawings.

The design attempts to breakdown the mass of the full block building through façade articulation and material changes. At the time of this draft report, the Applicant was working to address additional comments from the DRC. Staff anticipates the revised report will address these changes.

### ***J. Signage***

The retail signage will be located along the first floor where the retail storefronts exist. Any building signage beyond address numbers at entry doors will need to be submitted as a separate application package with more detailed information in accordance with the Assembly Row Design Standards for Storefronts & Signage.

### ***K. Waivers & Other Relief Requests***

The waivers were approved with the Preliminary Master Plan. The requested relief granted included exceeding the maximum height of 125', shared loading bays, and right of first refusal or option to purchase. More information regarding the waiver requests can be found in Appendix D.

## **IV. CITY DEPARTMENT COMMENTS**

The City Departments had no additional comments at this time beyond those listed and conditioned in the Preliminary Master Plan.

The Design Review Committee met with the Applicant's team at two meetings – August XX and September 28<sup>th</sup>. The design, as currently submitted, reflects the discussion from the first meeting and any additional comments from the second meeting will be included in the revised staff report.

## **V. PUBLIC COMMENTS**

Planning Staff wrote this draft report prior to the October 4<sup>th</sup> Planning Board meeting when the case will be first heard. Public comments, Board discussion issues, and any revisions or edits will be incorporated into the report and the conditions, if applicable.

There will be a neighborhood meeting held on Tuesday October 2<sup>nd</sup> and comments from that meeting will also be incorporated into the revised staff report.

## **VII. STAFF FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW–A**

In order to grant a Special Permit with Site Plan Review for a Planned Unit Development Preliminary Master Plan, the SPGA must make certain findings and determinations as outlined in §5.2.5, §6.4, and Article 16 of the SZO. The attached Appendices go through these sections in detail.

### Appendix A: Application Requirements

- A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)
- A.2: General Information Required for SPSR Applications (SZO 5.2)
- A.3: Denial Letter Requirement (SZO 16.12)

### Appendix B: Required Findings of Fact

- B.1: General Findings under Section 16 (SZO 16.9 and 16.1)
- B.2: Consistency Findings (SZO Section 6.4)
- B.3: General Requirements of a PUD (SZO Section 16.4)
- B.4: PUD Design Guidelines (SZO Section 16.7)
- B.5: ASMD Development Standards (SZO Section 6.4.7.A)
- B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)
- B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)
- B.8: ASMD Large Project Design Guidelines (SZO Section 6.4.8.E)

### Appendix C: Future Requirements for SPSR-A

### Appendix D: Standards for Waivers

## **VIII. STAFF RECOMMENDATION**

There is no recommendation at this time.

## Appendix A: Application Requirements

| <b><i>A.1: Procedures for PUD Applications - Supportive Information (SZO 16.8)</i></b> |   |                   |                       |                                    |   |
|--|---|-------------------|-----------------------|------------------------------------|---|
| <b><i>Section</i></b>  | <b><i>Required Finding</i></b>  | <b><i>Met</i></b> | <b><i>Not Met</i></b> | <b><i>To Address in SPSR-A</i></b> | <b><i>Comment</i></b>   |
| 16.8.2.A   | A neighborhood context map, at a scale not less than one (1) inch equals one hundred (100) feet, providing a graphic description of the neighborhood in which the tract lies, including roads, utilities and other public facilities, major existing buildings and structures. There shall also be a statement and/or plan as to the general impact of the proposed PUD upon the area, indicating how the PUD relates to surrounding properties and what measures will be taken to create appropriate transitions and access from the subject property to abutting public properties (i.e. parks, waterfront, etc.) or other neighboring tracts (if applicable) | <b>X</b>          |                       |                                    | Included in PUD submission  |
| 16.8.2.B   | A conceptual site plan drawn to a scale of not less than one (1) inch equaling fifty (50) feet, or series of drawings at the same scale, and any necessary supporting information   | <b>X</b>          |                       |                                    | Included in PUD submission  |
| 16.8.2.C   | Analysis of compliance with regulations as to dwelling units per square feet of lot area, height, building coverage, floor area ratio (FAR) and parking requirements  | <b>X</b>          |                       |                                    | Included in PUD submission  |
| 16.8.2.D   | Names of all property owners within five hundred (500) feet of the PUD boundary   | <b>X</b>          |                       |                                    | Included in PUD submission  |
| 16.8.2.E   | Explanation of provisions for the landscaping and maintenance of all open space and drainage areas  | <b>X</b>          |                       | <b>X</b>                           | See Stormwater Management section (Section G of application package). As part of the PUD approval a condition is recommended relative to preparation of Maintenance Agreement.  |
| 16.8.2.F   | A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies, including current traffic counts for streets surrounding the project, analysis of the existing capacity of those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the thoroughfare system to absorb the increased traffic without decreasing the level of service below an acceptable level . . .  | <b>X</b>          |                       | <b>X</b>                           | A transportation study was completed as part of the PUD and was been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. The report was updated to include the required mobility management plan and the detailed issues for this SPSR-A included in this application package (Sections E, I-III, and I-IV). |

| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
|---|--|------------|----------------|-----------------------------|---|
| 16.8.2.G  | A utilities analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies. Said analysis shall contain an inventory of existing utilities including, but not limited to, storm sewers and drains, sanitary sewers, electrical lines, fire alarm boxes and lines, gas lines/mains, water mains, lighting, curb and gutter, etc. Said inventory shall illustrate utility locations, sizes, diameters, carrying capacity and present load on the system. The engineer's report shall state if the current system is capable of adequately serving the proposed development. If the current utility system is found to be inadequate for the proposed development, the report shall confirm the deficiencies and make recommendation(s) as to the infrastructure improvements necessary to properly service the proposed development and maintain the existing service. The report shall also present a formal plan for infrastructure improvements, documenting timing, funding mechanisms and coordination with the City | <b>X</b>   |                |                             | Included in application submission - see Section F Utility Design & Management  |
| 16.8.2.H  | All applicable information required for special permit with site plan review (See Article 5 of this Ordinance). This information may be submitted at a preliminary level, in consideration that PUD approval is a preliminary approval   | <b>X</b>   |                |                             | See section A2, below   |
| 16.8.2.I  | Any other supportive information the applicant feels may be beneficial to the City of Somerville in the evaluation of the request  | <b>X</b>   |                | <b>X</b>                    | Additional information provided includes 3-dimensional renderings and supplemental detail on individual plans to later be submitted for SPSR-A review |
| <b><i>A.2: General Information Required for SPSR Applications (SZO 5.2)</i></b> |  |            |                |                             |   |
| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
| 5.2.3.1   | names, addresses, and telephone numbers of the applicant, the owner if other than the applicant, and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project   | <b>X</b>   |                |                             | Included in application submission  |
| 5.2.3.2   | plot plan certified by land surveyor indicating total land area, boundaries, angles, and dimensions of the site and a north arrow  | <b>X</b>   |                |                             | Included in application submission - see Section H-I Sheet Sv-1 Existing Conditions Plan of Land.   |
| 5.2.3.3   | scaled site plans certified by a registered land surveyor, architect, landscape architect or engineer showing present and proposed use of land and existing buildings, if any; dimensions of existing and proposed structures; location and dimensions of any easements and public or private rights of way; and at grade parking and loading areas.   | <b>X</b>   |                | <b>X</b>                    | See Section H-I - Civil Site Plans. Plans are scaled but no dimensions are labeled for individual buildings.  |



| <i>Section</i> | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
|----------------|--|------------|----------------|-----------------------------|---|
| 5.2.3.4        | brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable | <b>X</b>   |                | <b>X</b>                    | The project description is provided in the Executive Summary (Section A) and in detail throughout the application package.  |
| 5.2.3.5        | the total floor area and ground coverage ratio of each proposed building and structure   | <b>X</b>   |                | <b>X</b>                    | Table 4-2 on page 4-8 shows the zoning compliance numbers.  |
| 5.2.3.6        | front, side, and rear elevations   |            |                | <b>X</b>                    | Schematic elevations and anticipated materials are provided in Sections H-IV and H-VI.  |
| 5.2.3.7        | existing and proposed contour elevations in two foot increments  | <b>X</b>   |                | <b>X</b>                    | See C-5 Grading and Drainage Plans in Section H-I for 1 foot contours   |
| 5.2.3.8        | provisions for vehicular and pedestrian circulation  | <b>X</b>   |                | <b>X</b>                    | See Section E for basic information and Sections I-III and I-IV for detailed information.   |
| 5.2.3.9        | color, materials, and exterior features of proposed structures   | <b>X</b>   |                | <b>X</b>                    | Schematic elevations and anticipated materials are provided in Sections H-IV and H-VI.  |
| 5.2.3.10       | landscaping and screening, including trees, stones, walls, fences, and other features to be retained and removed, as well as color, size, and type of landscaped surface materials   | <b>X</b>   |                | <b>X</b>                    | Landscaping plans can be found in Section H-II. All trees will be reviewed by Planning Director, City Arborist, and City Engineer prior to infrastructure construction.   |
| 5.2.3.11       | measures taken to preserve and protect natural resources   | <b>X</b>   |                | <b>X</b>                    | No natural resources such as wetlands or other water features exist on the Project Site.  |
| 5.2.3.12       | outdoor lighting, including location and intensity of lighting facilities  |            |                | <b>X</b>                    | Lighting design and fixture details will be conditioned to be provided with future Building Permit application. Lighting on City streets will need approval by City Engineer/Public Works prior to infrastructure construction. |
| 5.2.3.13       | dimensions and locations of signs, proposed and existing   |            |                | <b>X</b>                    | Only building address numbers are permitted with this application all signage must be submitted under separate application and comply with the Assembly Row Design Standards for Storefronts & Signage.                         |
| 5.2.3.14       | location and significance of historic structures   | <b>X</b>   |                |                             | Not applicable.   |
| 5.2.3.15       | method for handling solid waste disposal, and for screening of disposal facilities   |            |                | <b>X</b>                    | Solid waste disposal will be handled by private contractors. The disposal facilities (dumpsters and compactors) will be internal and screened accordingly.  |
| 5.2.3.16       | description and location of all proposed mechanical and electrical system components, including exhaust and ventilation system, transformers, and satellite dishes   |            |                | <b>X</b>                    | The floor plans show locations of major mechanical and equipment rooms and the architectural elevations show the locations of louvers and screens for these spaces. <b>A roof plan was not provided.</b>                        |

| <b>Section</b>   | <b>Required Finding</b>   | <b>Met</b> | <b>Not Met</b> | <b>To Address in SPSR-A</b> | <b>Comment</b>   |
|--|---|------------|----------------|-----------------------------|--|
| 5.2.3.17   | locations of and adequacy of existing and proposed on-site public utilities, facilities, and conditions (water, sewerage, and drainage), showing size and direction of flows  | <b>X</b>   |                |                             | Included in application submission. See Existing Conditions Plan; Utility Analysis; Layout and Materials Plans   |
| 5.2.3.18   | demolition and construction procedures including impact mitigation measures; an estimate of the time period required for completion of the development  |            |                | <b>X</b>                    | Demolition permits will require approval of ISD.   |
| 5.2.3.19   | a traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions or, if the project is twenty-five thousand (25,000) square feet or more, a traffic impact analysis which is prepared by a professional traffic engineer | <b>X</b>   |                |                             | A transportation study was completed as part of the PUD approval and updated as required by the Director of Transportation & Infrastructure. This application addresses that study in detail as the conditions apply to this proposal. |
| 5.2.3.20   | general summary of existing and proposed easements or other burdens now existing or to be placed on the property  | <b>X</b>   |                | <b>X</b>                    | See Section H-I Sheet Sv-1 Existing Conditions Plan of Land.   |
| 5.2.3.21   | wetlands, ponds, and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and rules promulgated thereunder, 310 CMR 10.00  | <b>X</b>   |                |                             | See Section H-I Sheet Sv-1 Existing Conditions Plan of Land - none on site.  |
| 5.2.3.22   | photographs of at least eight (8) by ten (10) inches, showing the development site and surrounding parcels  | <b>X</b>   |                |                             | Included in PUD submission   |
| 5.2.3.23   | names and addresses of all property owners within three hundred (300) feet of site boundaries   | <b>X</b>   |                |                             | Included in PUD submission   |
| 5.2.3.24   | such other information as will aid the SPGA in judging the application and in determining special conditions and safeguards, and as the SPGA should deem necessary, in its determination of completeness of said application as provided in Section 5.3.1 and the SPGA Rules and Regulations                        | <b>n/a</b> |                |                             | Renderings and Design Guidelines are included in this application - see Sections H-III through H-VII.  |
| <b><u>A.3: Denial Letter Requirement (SZO 16.12)</u></b> |   |            |                |                             |  |
| <b>Section</b>   | <b>Required Finding</b>   | <b>Met</b> | <b>Not Met</b> | <b>To Address in SPSR-A</b> | <b>Comment</b>   |
| 16.12  | All applications for a preliminary Master Plan Approval shall be required to include a so-called 'denial letter' from the Inspectional Services Department indicating which aspects of the proposed PUD require approvals from the SPGA   | <b>n/a</b> |                |                             | n/a  |

## Appendix B: Required Findings of Fact

| <b><i>B.1: General Findings under Section 16 (SZO 16.9 and 16.1)</i></b> |  |                   |                       |                                    |   |
|--|--|-------------------|-----------------------|------------------------------------|---|
| <b><i>Section</i></b>  | <b><i>Required Finding</i></b>   | <b><i>Met</i></b> | <b><i>Not Met</i></b> | <b><i>To Address in SPSR-A</i></b> | <b><i>Comment</i></b>                       |
| 16.9   | The SPGA shall review and determine whether a PUD application is complete and place special emphasis in its review as to PUD compliance with provisions of Article 16 herein, including compliance with the purpose and general requirements/features of a PUD   | <b>X</b>          |                       |                                    | n/a - PUD previously approved (PB#2018=07). |
| 16.9   | The SPGA shall . . . determine whether the proposal is consistent with the most suitable development of the City, and conduct a review in accordance with the requirements for special permit with site plan review as set forth in Article 5 of this Ordinance. The PUD shall comply with all requirements of this Ordinance unless a deviation from these strict requirements is authorized herein in Article 16   | <b>X</b>          |                       |                                    | n/a - PUD previously approved (PB#2018=07). |
| 16.1   | The purpose of a Planned Unit Development, or PUD, is to provide for a mixture of land usage at designated locations at greater variety, density and intensity than would normally be allowed . . . to achieve, to the greatest possible degree, land development responsive to an analysis of the environmental assets and liabilities of a site, both natural and man-made. A PUD should be a well-integrated development in terms of land uses, functional activities, and major design elements such as buildings, roads, utilities, drainage systems and open space. A PUD is allowed greater design flexibility so that larger-scale site and master planning for a development may protect natural features and consider most fully the surrounding land use and development context . . . Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation and enhancement of open space is strongly promoted. | <b>X</b>          |                       |                                    | n/a - PUD previously approved (PB#2018=07). |
| <b><i>B.2: Consistency Findings (SZO Section 6.4)</i></b>                |  |                   |                       |                                    |   |
| <b><i>Section</i></b>  | <b><i>Required Finding</i></b>   | <b><i>Met</i></b> | <b><i>Not Met</i></b> | <b><i>To Address in SPSR-A</i></b> | <b><i>Comment</i></b>                       |

| <i>Section</i> | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>   |
|----------------|--|------------|----------------|-----------------------------|--|
| 6.4.1          | Purpose. The Assembly Square Mixed-Use District (ASMD) has been enacted to encourage the best use of Assembly Square physically, economically, environmentally and socially while promoting the best interests of residents of the City. The ASMD is intended to fulfill the goals and objectives contained in the Assembly Square District Plan (the ASD Plan, as hereinafter defined). The ASMD zoning is designed to allow the district to reach these goals. | <b>X</b>   |                |                             | See comments under Section 6.4.4 below.  |
| 6.4.4          | The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Planning Study</u> dated October 2000   | <b>X</b>   |                |                             | The Assembly Square Planning Study prepared by the Cecil Group in 2000 created a framework for development in the Assembly Square area over the next twenty years and beyond. This Planning Study encouraged mixed- use development, but also recognized that a certain amount of big box retail would be the most feasible use in Assembly Square in the immediate future. The Planning Study specifically supported the redevelopment of the Assembly Square Mall to improve Assembly Square's visibility and image, helping to pave the way for more intensive office development. The general principles and concepts of the plan are supported by the XMBLY (5 Middlesex Avenue) PUD-PMP and includes all of the physical characteristics, values, and goals that were addressed in the Planning Study. |
| 6.4.4          | The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Revitalization Plan</u> dated 2002  | <b>X</b>   |                |                             | The Assembly Square Revitalization Plan is an approved Urban Renewal Plan under MGL 121B. The 2002 plan was a Major Plan Change to the 1980 Assembly Square Revitalization Plan -- the City's urban renewal plan for Assembly Square. This PUD-PMP is consistent with the overall vision of the Revitalization Plan.   |
| 6.4.4          | The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Design Guidelines for the Public Realm</u> dated 2002   | <b>X</b>   |                |                             | Overall, the revised PUD PMP is consistent with the Public Realm Guidelines. The PUD's three key principles closely align with the goals of the Public Realm Guidelines and the ASMD; both encourage design that supports the PUD's public spaces and achieves sense of place, multi-modal functionality, and 24-hour activity. Both documents give streetscapes and public spaces high priority, stressing the role these spaces play in the framework of the PUD. Both establish street hierarchies and district gateways for orientation. The Public Realm Guidelines generally include a greater level of streetscape and building detail, while the PUD PMP establishes complementary detailed design guidelines to drive decisions made at the SPSR-A phase and during streetscape design.             |

| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
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|   |  |            |                |                             | The Public Realm Guidelines also place emphasis on creating physical and visual connections between the PUD and its surrounding neighborhoods. The Applicant is undertaking several significant transportation improvements to enhance multi-modal access to the site. These efforts are especially important along the PUD's outer edges.  |
| 6.4.4   | The ASD Plan describes the physical characteristics of the ASMD. The ASD plan establishes a comprehensive plan for development in the ASMD. The ASD plan includes the <u>Assembly Square Transportation Plan</u> dated 2003            | <b>X</b>   |                | <b>X</b>                    | The Assembly Square Transportation Plan generally calls out for development of a street grid within the mixed-use area. The overall transportation strategy in the PUD-PMP meets the spirit of the original Transportation Plan and this application addresses that study in detail as the conditions apply to this proposal.   |
| <b><i>B.3: General Requirements of a PUD (SZO Section 16.4)</i></b> |  |            |                |                             |   |
| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
| 16.4a   | a designated tract of land meeting the minimum lot size requirements of Section 16.5.1.a for the PUD district  | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).   |
| 16.4b   | developed in a comprehensive, design-integrated manner, according to an overall master plan, with two (2) or more types of use   | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).   |
| 16.4c   | consistent with the objectives of this Ordinance;  | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).   |
| 16.4d   | consistent with the goals, objectives and plans of the City for the general subject area   | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).   |
| 16.4e   | developed so as to locate or cluster development sites, especially buildings, in a manner that provides usable open space, preserves natural or historic features, and preserves views of such features to the maximum extent possible | <b>X</b>   |                | <b>X</b>                    | The PUD is oriented around a central open space connected by plazas and pedestrian friendly streets. During SPSR-A review for each component of the Master Plan, the provision of usable open space, and the preservation of views will continue to be monitored by the Planning Board, and this Decision includes conditions regarding the Applicant's obligation to submit detailed information and maintenance agreements. |

| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>   |
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| 16.4f   | an efficient use of land which properly considers topography and protects significant natural features including, but not limited to, waterways, wetlands, floodplains and wildlife  | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).  |
| 16.4g   | an efficient use of land demonstrating full coordination of its own site development including, but not limited to, the land uses and functions contemplated, architecture, open space and pedestrian networks, vehicular access and circulation, and all other infrastructure | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).  |
| 16.4h   | linked and coordinated with surrounding land uses, off-site public facilities, infrastructure and roadway access where appropriate, in a manner that is safe, efficient and non-injurious to the public, and an improvement or benefit to the public where possible            | <b>X</b>   |                | <b>X</b>                    | The approved PUD includes a network of open spaces, roadways, and sidewalks which constitute an improvement to the existing conditions and a benefit to the public. As required, this proposal considers links with surrounding land uses, off-site public facilities, infrastructure, and roadway access. Conditions will be attached to this Decision to ensure that these issues will be fully addressed. |
| 16.4i   | designed with sizing of street and other infrastructure systems to accommodate the overall service demand of the PUD   | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).  |
| 16.4j   | inclusive of provisions for the ownership and maintenance of usable open space as appropriate (see Sec. 16.6 of this Article)  | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).  |
| 16.4k   | inclusive of appropriate deed restrictions or covenants requiring compliance of all development with the PUD master plan, and any architectural or other guidelines or standards   |            |                | <b>X</b>                    | Deed restrictions and maintenance agreements for public right-of-way and open spaces will be conditioned as part of this approval.   |
| 16.4l   | when inclusive of a proposed use allowable under this Ordinance only within a PUD setting, that said use is integrated into the proposed development in terms of function and service to other users of the PUD site and/or to the immediately surrounding area                | <b>n/a</b> |                |                             | <u>Not applicable.</u> This finding is not applicable in the ASMD District because all uses in the PUD align with the underlying district.   |
| <b><i>B.4: PUD Design Guidelines (SZO Section 16.7)</i></b> |  |            |                |                             |  |
| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>   |

| <i>Section</i> | <i>Required Finding</i>   | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
|----------------|---|------------|----------------|-----------------------------|---|
| 16.7a          | PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site |            |                | <b>X</b>                    | The Design Guidelines submitted with the PUD-PMP show the conceptual massing and architectural intent of all the buildings in the PUD area. This application meets the design and details of these guidelines as shown in Section H-VI. |
| 16.7b          | Buildings adjacent to usable open space should generally be oriented to that space, with access to the building opening onto the open space   |            |                | <b>X</b>                    | This proposal has 3 primary facades - Revolution Drive, Grand Union Boulevard, and Road K facing the PUD's large civic space.   |
| 16.7c          | When a building is proposed to exceed the base district height limit, it is intended that buildings be of slender proportions emphasizing the vertical dimension  |            |                | <b>X</b>                    | This application does not exceed the height limit.  |
| 16.7d          | It is strongly encouraged that landscaped space, and particularly usable open space, be designed and located to connect as a network throughout the PUD. It is also generally intended that said space be designed and located to connect with existing off-site usable open space, and provide potential for connection with future open space by extending to the perimeter of the PUD, particularly when a plan exists for the location and networking of such future open space   | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).   |
| 16.7e          | It is intended that no non-residential structure cause a casting of any shadow on any residential lands between 10:00 AM and 2:00 PM, solar time, on the vernal equinox (March 21); and that any shadow cast by a PUD structure on public usable open space be of minimal impact on the desired functional use of said open space, particularly in the period from March 21 to September 21.  | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).   |

| <i>Section</i> | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>   |
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| 16.7f          | Vehicular access to and from public roads is intended to be consolidated. Vehicular access to PUD lands from a public roadway shall generally be limited to one (1) access point, particularly when PUD frontage along said roadway is three hundred (300) feet or less. When a PUD has more than six hundred (600) feet of frontage on a public road, separation between existing, approved, and proposed curb cuts, whether on or off-site, shall average a minimum of two hundred (200) feet. Consolidation to a minimal number of access points is strongly encouraged | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).  |
| 16.7g          | Internal PUD streets shall consist of local and collector roadways, designed in accordance with standard traffic engineering practice. Any street proposed for public dedication shall meet the standards of the City's Director of Traffic and Parking.   | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).  |
| 16.7h          | PUD block sides should reflect average city block size of Somerville, to maximize a pedestrian-friendly scale in the street grid. Alight streets to give building energy-efficient orientations.   | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).  |
| 16.7i          | The PUD design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.  | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).  |
| 16.7j          | The PUD design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.   |            |                | <b>X</b>                    | This project will decrease the site's total impervious surfaces and will reduce total volume of runoff through use of green infrastructure BMPs, such as pervious pavements, raised stormwater planters, along with proprietary separators to improve the water quality of runoff. Staff recommends including a condition that requires coordination with the Director of Sustainability & Environment and approval by the Director of Engineering to determine the appropriate stormwater management mitigations. |



| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
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| 16.7k   | PUDs should maximize pedestrian transit-oriented development. Specifically they should use "traffic-calming" techniques liberally; provide networks for pedestrians as good as the networks for motorists; provide pedestrians and bicycles with shortcuts and alternatives to travel along high-volume streets, and emphasize safe and direct pedestrian connections to transit stops and other commercial and/or employment nodes; provide long-term, covered, bicycle parking areas; provide well-lit, transit shelters; incorporate transit-oriented design features; and establish Travel Demand Management programs at employment centers. | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).   |
| 16.7l   | Make shopping centers and business parks into all-purpose activity centers.  | <b>n/a</b> |                |                             | There are no shopping centers or business parks in this proposal.   |
| <b><u>B.5: ASMD Development Standards (SZO Section 6.4.7.A)</u></b> |  |            |                |                             |   |
| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
| 6.4.7.A.1   | <i>Transportation Analysis.</i> All new Developments shall conform to the requirements set forth in any Transportation Study, subject to the approval of the SPGA.   | <b>X</b>   |                | <b>X</b>                    | A transportation study was completed as part of the application submission and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. This application addresses that study in detail as the conditions apply to this proposal. As the design of the project is further refined, the Applicant will continue to meet with the City's departments and update the mitigation as required.  |
| 6.4.7.A.2   | <i>Parking Requirements.</i> Developments shall meet the parking requirements set forth in Section 9.15.   | <b>X</b>   |                | <b>X</b>                    | The PUD proposed 1,659 total structured parking spaces and 34 existing to remain surface spaces (over the minimum of 1,487 total parking spaces) so the overall development will have more than ample parking provided. This application requires 342 spaces per the Ordinance but the applicant has worked with the City to reduce that number and has requested a waiver to provide only 197 spaces on-site (this block).   |
| 6.4.7.A.3   | <i>Landscaping Requirements.</i> Developments shall conform to the applicable landscaping requirements set forth in Article 10. Open spaces shall be contiguous to the extent practical, in the opinion of the SPGA.   |            |                | <b>X</b>                    | The conceptual plans of open space and landscaping improvements were provided with the PUD-PMP and more specific requirements have been provided for this site in this application - see Sections H-II and H-VII. (NOTE: As part of the PUD approval, staff recommended that the Civic Space (Festival Streetscape, Pergola Plaza, Central Lawn, Gathering area, Rain Garden, Filtration Grove, and Promenade) be submitted as a separate SPSR-A application and not included with any of the buildings' application packages.) |

| <i>Section</i>  | <i>Required Finding</i>   | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
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| 6.4.7.A.4   | <i>Pedestrian Connections.</i> Continuous pedestrian connections shall be supported between all major points of pedestrian activity on the Development Site, including, but not limited to, connections to the Mystic River waterfront, connections to all public and private ways abutting the Development Site, and any transit stops. Developments shall support improved access between the ASMD and the Ten Hills and East Broadway neighborhoods by means of sidewalk connections, crosswalks, landscaping, traffic signalization and traffic calming methods as appropriate. | <b>X</b>   |                |                             | n/a - PUD previously approved (PB#2018=07).   |
| <b><u>B.6: ASMD Design Guidelines (SZO Section 6.4.7.B)</u></b> |   |            |                |                             |   |
| <i>Section</i>  | <i>Required Finding</i>   | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
| 6.4.7.B.1   | <i>Street and Sidewalk Design.</i> Street and sidewalk design shall be based on the Assembly Square Public Realm Design Guidelines and applicable engineering standards, provided that any street shown in such Guidelines as running through an existing Building is not required to be constructed until such Building is demolished.   |            |                | <b>X</b>                    | The design of streets and sidewalks will respond appropriately to the Street and Sidewalk Design Criteria of the Assembly Square Public Realm Design Guidelines. The streets and sidewalks appear to be designed appropriately however, full engineering plans will need to be provided for review to ensure that streets meet City infrastructure and engineering standards. |
| 6.4.7.B.2   | <i>Building Design.</i> Buildings shall be designed to the highest architectural standards and shall be sited appropriately on the Lot.   |            |                | <b>X</b>                    | See Section H for design details of the building and site.  |
| 6.4.7.B.2a  | Buildings should be located to create a presence on existing street edges or along major internal circulation routes and have maximum building setbacks of five feet except in special circumstances, where greater setbacks would enhance the pedestrian friendly experience of the ASMD, such as dedicated open space; and buildings should be located to reinforce both existing and future circulation patterns that may serve more than one Site.  |            |                | <b>X</b>                    | This building has been sited in coordination with the City's Departments of Planning, Transportation & Infrastructure, and Engineering. The Design Review Committee also required additional setbacks and planting at the townhouses to provide a more distinct separation of public from private spaces.   |

| <i>Section</i> | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>   |
|----------------|--|------------|----------------|-----------------------------|--|
| 6.4.7.B.2b     | Buildings should have interesting entrance areas that are visible and directly accessible from major public access points, streets and circulation patterns. Extensive areas of glass and window, providing visual access to interior uses, should be part of all street facades and accompany building entrances. Multiple and frequent entrances oriented to streets are encouraged. Building entrances should be clearly defined, through the use of elements such as canopies, porticos, overhangs, peaked roof forms, arches. Entries set back from the street should have outdoor patios, tile work, moldings, integral planters or wing walls with landscaped areas, or places for sitting. |            |                | <b>X</b>                    | All building entries are clearly defined via signage and through the intentional use of different materials and architectural elements.  |
| 6.4.7.B.2c     | There should be a clearly defined pattern of bays, rhythms, and dimensions that create continuous visual interest and variety in the design of all facades.  |            |                | <b>X</b>                    | The facade treatment addresses the height and massing of the project to break down the scale into smaller components that will be consistent with the Assembly Row Design Guidelines at Assembly Square and the Design Guidelines for the XMBLY (5 Middlesex Avenue) PUD-PMP. The project has a clearly defined base, middle, and top as shown in the elevations and Design Guidelines (Section H of the application package). |
| 6.4.7.B.2d     | The overall scale of development should be broken down to respond to the pedestrian scale use of open space.   |            |                | <b>X</b>                    | The facade treatment addresses the height and massing of the project to break down the scale into smaller components that will be consistent with the Assembly Row Design Guidelines at Assembly Square and the Design Guidelines for the XMBLY (5 Middlesex Avenue) PUD-PMP. The two-story townhouses and retail spaces address the Festival Street and the civic space across Road K.  |
| 6.4.7.B.2e     | Materials and colors shall be consistent with traditional buildings in the area with historic merit.   |            |                | <b>X</b>                    | The facade treatment addresses the height and massing of the project to break down the scale into smaller components that will be consistent with the Assembly Row Design Guidelines at Assembly Square and the Design Guidelines for the XMBLY (5 Middlesex Avenue) PUD-PMP. There are no significant historic buildings in the area but the material palette is appropriate with the existing buildings in Assembly Row.     |
| 6.4.7.B.2f     | Building equipment and service areas should be located away from public streets or major interior circulation routes and provide screening. All storage of items for sale or related inventory should be enclosed unless completely screened from public view with architectural elements meeting the §6.4.7 guidelines.   |            |                | <b>X</b>                    | Building equipment and service areas are internal and visually screened from the surroundings, and mechanical equipment will be acoustically buffered from neighbors. Reasonable attempts will be made to avoid exposing rooftop mechanical equipment to public view from City streets, and parapet walls or mechanical partition screening will be designed to fit within the character of the overall building design.       |

| <i>Section</i> | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
|----------------|--|------------|----------------|-----------------------------|---|
| 6.4.7.B.2g     | Preference should be shown for vertical integration of uses. Developments should ensure that development patterns provide active uses on the ground floor that take advantage of the waterfront views and open spaces, and that add presence to public ways and sidewalks.   |            |                | <b>X</b>                    | The proposed building includes active ground floor uses, including ground floor retail, a bike workshop, and lobby spaces. Upper floors of the buildings will include above-grade structured parking and residential with amenity spaces for the residents. |
| 6.4.7.B.2h     | The façade of a building should not have any uninterrupted or unfenestrated length exceeding thirty-five (35) horizontal feet. Facades greater than one hundred (100) feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the façade.  |            |                | <b>X</b>                    | This application has been designed to meet this standard - see Section H-VI.  |
| 6.4.7.B.2i     | All Ground Floor facades that face public ways or the Mystic River should have windows providing visual access to the interior of a space, arcades, display windows, entry areas, awnings, or other such features along no less than seventy percent (70%) of their horizontal length. Forty percent (40%) of this activated facade area+ on the ground floor of building walls along primary and secondary streets shall consist of windows or doors meant for public entry and exit. |            |                | <b>X</b>                    | This application meets the Design Guidelines provided with the PUD-PMP approval (see Section H-VI of the application package).  |
| 6.4.7.B.3      | <i>Parking Lot Design.</i> Refer to Section 9.15 for parking requirements. Parking Lots shall avoid large expanses that are unbroken by Buildings or substantial landscaped Open Spaces, as set forth in Section 10.4 of this Ordinance.   | <b>n/a</b> |                |                             | Not applicable.   |
| 6.4.7.B.4      | <i>Open Space.</i> Landscape strips required in parking areas shall not apply to UOS calculations. Developments are encouraged to make significant contributions to Open Space along the Mystic River adjacent to the ASMD.  |            |                | <b>X</b>                    | There are no surface parking areas included in this application and the Applicant is working with the PUD developer and the City to determine appropriate contributions.  |

| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>   |
|---|--|------------|----------------|-----------------------------|--|
| 6.4.7.B.5   | <i>Efficiency of Design.</i> Every effort shall be made to design Buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, energy efficiency, and to minimize exposure to and consumption of toxics and non-renewable resources and incorporate appropriate "green" design techniques. In accordance with this principle all Developments within the ASMD in excess of ten thousand (10,000) square feet shall be required to complete an Leadership in Energy & Environmental Design (LEED) worksheet and submit the worksheet to the SPGA with permit application materials. This worksheet shall be considered in evaluating whether a proposed Development meets the applicable standards set forth elsewhere in this Ordinance. However, consistency with the LEED standards shall not be a factor in whether or not to permit a Development. |            |                | <b>X</b>                    | See Sections H-VI and I-II.  |
| 6.4.7.B.6   | <i>Contributions.</i> Contributions for Infrastructure and Open Space related to a Development made by an Applicant to the City or its constituent agencies in other agreements or permits shall be credited by the SPGA toward any applicable requirements hereunder for a Special Permit.  | <b>X</b>   |                | <b>X</b>                    | The Applicant has committed to contributions and mitigation under contracts with the City and the PUD developer. The Applicant will enter into maintenance agreements for useable open space and a portion of the public infrastructure as well.   |
| 6.4.7.B.7   | <i>Loading Spaces.</i> To the extent possible, Loading spaces shall be located away from major Public Ways, the Mystic River and other highly visible locations. Every effort shall be made to incorporate creative design to reduce the negative visual impacts of the Loading space.   |            |                | <b>X</b>                    | The loading dock is located internally to the building with truck access from Road L and easy connection to the freight elevator. A condition is recommended that the loading dock door remain closed unless the dock is in active use.  |
| <b><u>B.7: ASMD Large Project Development Standards (SZO Section 6.4.8.D)</u></b> |  |            |                |                             |  |
| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>   |
| 6.4.8.D.1   | Transportation Analysis. Large Developments shall provide a Transportation Access and Impact Study. The Director of Traffic and Parking shall approve the geographic scope and content of the study in consultation with the Executive Director of the Planning Department and the Traffic Commission. In addition, the Applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the Development Site. If the Transportation Access and Impact Study indicates a significant impact to the transportation network in the specified study area, the Applicant shall include in the study proposed mitigation measures to address those impacts.  | <b>X</b>   |                | <b>X</b>                    | A transportation study was completed as part of the PUD and has been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. This application addresses that study in detail as the conditions apply to this proposal and further information regarding this application can be found in Sections E, I-III, and I-IV. |

| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
|---|--|------------|----------------|-----------------------------|---|
| 6.4.8.D.2   | <i>Large Retail Projects.</i> Any Large Development in which any single Retail Use is more than fifty thousand (50,000) square feet of gross floor area shall also be deemed a Large Retail Project. A). Nonretail Component --“No Large Retail Project ... shall be permitted in the ASMD unless permitted as part of a PUD-A which includes 1.5 net square feet of non-retail uses for every square foot over 50,000 net square feet of Retail Use in the Large Retail Project." B). Ground Level Retail Size Cap-- “In a Large Retail Project, not more than 50,000 square feet of Gross Floor area of any single Retail Use shall be located on the Ground Floor of any Building included in the PUD-A.” | n/a        |                |                             | There is no Large Retail Project included in this PUD-PMP.  |
| 6.4.8.D.3   | <i>Landscaping.</i> A minimum of fifty (50) percent of the Landscaped Area in a new Large Development shall be Usable Open Space. The SPGA shall have final discretion in deciding if land constitutes Open Space for the purposes of determining whether this requirement has been met. The Open Space requirement may be met with land that is part of the Large Development, or with land that is outside of the Large Development area but is located within the ASMD that was not already Useable Open Space, provided that the conditions of paragraph 2 of Section 16.6.1 of the Ordinance relating to public dedication of such Usable Open Space are met.   | X          |                | X                           | This requirement will be met through the PUD.   |
| <b><i>B.8: ASMD Large Project Design Guidelines (SZO Section 6.4.8.E)</i></b> |  |            |                |                             |   |
| <i>Section</i>  | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
| 6.4.8.E.1   | <i>Structured Parking.</i> Due to the size and scope of Large Developments, every effort shall be made to provide as much parking as possible underground and/or in structures   | X          |                |                             | The proposed parking for this project is a structured garage hidden from public view by architectural design and active uses. |

## Appendix C: Future Requirements for SPSR-A

| <i>Section</i> | <i>Required Finding</i>   | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>  |
|----------------|---|------------|----------------|-----------------------------|---|
| 6.4.9.C.1      | Traffic impact and proposed mitigation, if any, (should be) consistent with any applicable Transportation Study, Traffic Access and Impact Study and/or Transportation Demand Management Plan, and the goals and objectives of the ASD Plan   |            |                | <b>X</b>                    | A transportation study was completed as part of the PUD and was been reviewed by the Director of Transportation & Infrastructure and the Director of Traffic & Parking. The report was updated to include the required mobility management plan and the detailed issues for this SPSR-A included in this application package (Sections E, I-III, and I-IV). |
| 6.4.9.C.2      | The application (should) reflect an overall consistency with the intent and purpose of any applicable Design Guidelines set forth in this Section 6.4   |            |                | <b>X</b>                    | The Design Guidelines submitted with the PUD-PMP show the conceptual massing and architectural intent of all the buildings in the PUD area. This application meets the design and details of these guidelines as shown in Section H-VI.   |
| 6.4.9.C.3      | The application (should) promote the following objectives: mix of residential, office, research and development, retail, hotels, places of assembly and institutional uses' economic benefits and employment opportunities' structured parking; pedestrian and bicycle access; affordable housing units and project mitigation contribution; view corridors to the Mystic River; enhanced and activated Open Space' creation of new Open Space or enhancement of existing Open Space; and, . . . support transit service at (the MBTA Station). |            |                | <b>X</b>                    | This proposal is a mix of uses - retail, structured parking, and residential.   |
| 6.4.9.C.4      | Additional Findings and Determinations: Prior to granting a Special Permit with Site Plan Review-A, the SPGA shall make findings and determinations as noted in 6.4.9.C.4   |            |                | <b>X</b>                    | These additional findings address submittal requirements, criteria for review, impact on public services, site surface drainage, access to buildings, utilities, signage, transformers, screening, and shadow impacts.  |
| 5.2.5.a        | <i>Information supplied.</i> Complies with the information requirements of Section 5.2.3  |            |                | <b>X</b>                    | Complies with requirements - see Staff Report.  |
| 5.2.5.b        | <i>Compliance with standards.</i> Complies with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested Special Permit with Site Plan Review.   |            |                | <b>X</b>                    | Complies with requirements - see Staff Report.  |

| <i>Section</i> | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Comment</i>                                 |
|----------------|--|------------|----------------|-----------------------------|--|
| 5.2.5.c        | <i>Purpose of district.</i> Is consistent with the intent of the specific zoning district as specified in Article 6  |            |                | <b>X</b>                    | Complies with requirements - see Staff Report. |
| 5.2.5.d        | <i>Site and area compatibility.</i> Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area   |            |                | <b>X</b>                    | Complies with requirements - see Staff Report. |
| 5.2.5.e        | <i>Functional design.</i> Meets accepted standards and criteria for the functional design of facilities, structures, and site construction   |            |                | <b>X</b>                    | Complies with requirements - see Staff Report. |
| 5.2.5.f        | <i>Impact on Public Systems.</i> Will not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic  |            |                | <b>X</b>                    | Complies with requirements - see Staff Report. |
| 5.2.5.g        | <i>Environmental impacts.</i> Will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area  |            |                | <b>X</b>                    | Complies with requirements - see Staff Report. |
| 5.2.5.h        | <i>Consistency with purposes.</i> Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections. |            |                | <b>X</b>                    | Complies with requirements - see Staff Report. |



## Appendix D: Standards for Waivers

| <i>Section</i> | <i>Required Finding</i>  | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Waiver</i>  | <i>Comment</i>  |
|----------------|--|------------|----------------|-----------------------------|--|---|
| 16.5.4         | <p><i>Waiver of dimensional standards.</i> In order to maximize flexibility in the application of design standards to PUD projects, the SPGA may waive strict compliance with the standards of Section 16.5 upon making a determination that: (a) such a waiver would result in a better site plan than strict compliance with the stated standards; (b) the proposed PUD design furthers the Purpose and PUD Design Guidelines of this section; and (c) the granting of such a waiver will not cause detriment to the surrounding neighborhood.</p> | <b>X</b>   |                |                             | <p><b>Section 6.4.7.A.2 Parking Requirements. Developments shall meet the parking requirements set forth in Section 9.16.</b></p> <p>A waiver is requested for relief for the Project for providing the required number of parking spaces. The Project proposes to only provide parking within the structured parking garage for its residential use only. The retail and restaurant parking spaces will be provided by the on-street parking along Road K. Section 9.16 requires the Project to provide 342 total parking spaces within Alta XMBLY, and the Project is proposing 197 parking spaces which equates to a parking to unit ratio of 0.61. The proposed ratio consistent with residential parking trends in the area and encourages alternative means of transportation of the future residents.</p> | Parking is measured over the entire PUD, not on a project by project basis. Given the proximity to the Assembly Square T Station and the parking rates that occur in other garages at Assembly Row, reducing the number of spaces within this proposal is appropriate.  |
|                |  | <b>X</b>   |                |                             | <p><b>Section 6.4.8.B Model. A conceptual three-dimensional scale model of the Master Plan at 20 scale or alternative scale acceptable to the SPGA or its designee. If the proposed development in its entirety consists of no more than one building, the SPGA or its designee has the option of waiving this requirement.</b></p> <p>A waiver is requested for relief for the Project for the conceptual 3-D scale model. The proposed building at Alta XMBLY is consistent with the previously approved PUD Preliminary Master Plan.</p>  | The Applicant has provided images of a digital massing model and plenty of architectural renderings to illustrate the proposal.   |
|                |  | <b>X</b>   |                |                             | <p><b>Section 13.3.5 Disposition and SPGA Right of First Refusal/Option to Purchase.</b></p> <p>The Applicant is seeking a waiver of any right of first refusal or option to purchase the Planning Board might have under Section 13.3.5 of the Zoning Ordinance, or otherwise, in connection with the Project. The Applicant requests that the Planning Board's approval of the Project's Special Permit with Site Plan Review also approve such waiver and that the Planning Board, upon such approval, execute the Waiver of Right of First Refusal.</p>  | <p>NOTE: This waiver was granted as part of the PUD approval with the following conditions: The project will provide the required 20% affordable housing required by Section 13. The applicant is only seeking a waiver of a provision in Section 13.3.5. This provision of Section 13.3.5 was to purchase units to maintain affordable rentals in the event that a) individual residential units are sold as condominiums, either up completion of the project or at some future time; and b) the City determines that it will be better to maintain thiese units as rental units. This becomes a particularly challenging issue when a project converts to condos at a later date. The City may want to maintain these units as rental, by exercising this right, especially as it may allow the City to maintain the units at affordable rental rates (50%/80%/110% of AMI) rather than shifting to the higher affordable ownership rates (80%/110%/140%). Staff understands tha this provision makes it difficult to finance projects at the start, as it is written in a way that permits the City to exercise a purchase right at any time.</p> <p>The staff is supportive of this waiver if it is limited as follows: a. In the circumstance where the applicant proposes and builds a condominium building with individual units for sale upon completion of the building, the staff recommends reviweing the appropriateness of a waiver on a case by case basis. b. In the circumstance where the applicant proposes a building that is used as rental apartments when first opening: the staff supports the waiver, with the exception under item (c); c. In the event that the a rental buidling is converted to condominium use at a future date: 1. the waiver will expire; 2. the applicant will be expected to maintain the units at the affordable rental rates that were available prior to the conversion, either by selling them under Section 13.3.5 at a price that will permit the continued use of the units as affordable rental units at current rental rates, or by working with the OSPCD Housing Division on an alternative strategy to meet this condition.</p> |

| <i>Section</i> | <i>Required Finding</i>   | <i>Met</i> | <i>Not Met</i> | <i>To Address in SPSR-A</i> | <i>Waiver</i>          | <i>Comment</i>   |
|----------------|---|------------|----------------|-----------------------------|------------------------|--|
|                |   |            |                |                             | Regarding all waivers: | The granting of the above waivers would result in a better site plan that furthers the purpose of the ASMD and will not cause detriment to the surrounding neighborhood.   |
| 6.4.12.a.1     | Strict enforcement of such standards or requirements would run counter to achieving the objectives of the ASD Plan;   | <b>x</b>   |                |                             | Regarding all waivers: | Requiring the full amount of parking on a site so close to the T station would be in conflict with the ASD Plan objectives. The right of first refusal waiver is necessary to make it possible to finance the project with the affordable housing intended by the ASD plan and the City's zoning   |
| 6.4.12.a.2     | The application is substantially consistent with the objectives of the ASD Plan and advances the objectives of the ASD Plan;  | <b>x</b>   |                |                             | Regarding all waivers: | The project will achieve the objectives of the ASD Plan by developing a true mixed-use program, incorporating pedestrian and transit-oriented planning, and creating a series of new pedestrian-oriented public spaces, while minimizing environmental impacts by locating development on previously paved and/or otherwise disturbed land. All waivers will work to make this project more effective, improve its overall design, and ensure that affordable housing can be provided. |
| 6.4.12.a.3     | In the case of any Alteration of a Nonconforming Structure, a Change of Nonconforming Use, or a Major Amendment to an Approved PUD, such alteration, change or amendment shall conform, to the extent feasible, to the objectives of the ASD Plan | <b>n/a</b> |                |                             | n/a                    | This finding does not apply in this case.  |